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LETTER DATED 26 FEBRUARY 1996 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the following documents from the Ministry of Foreign Affairs of the Republic of Cuba be circulated as documents of the Security Council:

- Note dated 25 February 1996 from the Ministry of Foreign Affairs of Cuba (annex I);

- Note dated 26 February 1996 from the Ministry of Foreign Affairs of Cuba (annex II);

- Chronology of violations of Cuban airspace, 1994-1996 (annex III).

(Signed) Pedro NÚÑEZ MOSQUERA
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Annex I

[Original: English]

Note dated 25 February 1996 from the Ministry of Foreign Affairs of Cuba

In a statement made yesterday in Washington, which was released by foreign news agencies, the United States Secretary of State, Mr. Warren Christopher, described as "totally unjustified" the shooting down of two United States "civilian" aircraft by Cuban planes. According to his statement, this was a "blatant violation of international law and the norms of a civilized country".

Further on, Mr. Christopher said that according to the evidence available "they concluded that the shooting down took place in international waters", not as the Cuban Government claims, that it took place in its jurisdictional waters. In this respect, the United States diplomat disregarded the statement made by Havana pointing out that the Cuban response "was neither plausible nor acceptable".

Finally, in an intimidating attitude, the United States Secretary of State said that there would be a prompt and appropriate response by President William Clinton to the actions carried out by our country, stating that "we would not limit ourselves to multilateral actions, but we are going to consider actions that the United States could take unilaterally".

The least that could be said about the statement by the person in charge of the United States foreign policy is that he is lying in a cynical way and in a language that recalls the one used for more than 36 years by senior officials of different administrations of that neighbouring country.

A first argument we should mention is the fact that, on that very Saturday, the United States authorities requested authorization to enter our jurisdictional waters north of Havana, to jointly participate in the search-and-rescue operations in the area where the two pirate aircraft were downed, which is evidence that it was an act of legitimate defence of our airspace and not a "totally unjustified act", as described by the United States diplomat.

At the same time, this corroborates our assertion that the shooting down of the aircraft occurred in Cuban airspace and within our jurisdictional waters, not in international waters as pointed out by Mr. Christopher.

This is not the core of the matter, but the fact that hundreds of times before there have been such violations, including pirate incursions over our own territory and over Havana City, which in one way or another, after ignoring multiple warnings, had to result in this incident. The fact that they did not try to justify themselves by saying that such incident took place in international waters is nothing but colossal insolence. No country which respects itself could tolerate what was being done against Cuba through ever more shameful and humiliating actions.

The United States would have never permitted such actions, not even once.

Congressman Charles Rangel (Democrat), a courageous man of integrity, said yesterday on the CNN television network that "no United States group has the right to enter Cuban airspace and drop anti-government propaganda, in violation of United States law and Cuban law".

The hasty statement in Washington by the Secretary of State differs from what was stated on that same day by an unidentified United States official who, on the occasion of a meeting held in the White House by advisors to President Clinton, said that one of the objectives was "to evaluate altogether all the evidence we have" as to whether the aircraft had ventured into Cuban airspace when they were downed, giving signs of insecurity as to whether or not there was a violation.

But if there were still any doubts on the part of the United States, we have unequivocal evidence, which goes from illustrated maps showing radar detection on a minute-by-minute basis and taped conversations, to objects belonging to the transgressors of our sovereignty that were found in Cuban waters to the north of the capital, where they were downed last Saturday, 24 February.

Therefore, the official accusation that we have violated international law has no foundation. It is rather the United States which should face that charge, for having repeatedly tolerated that aircraft, departing from its territory under United States registration and with flight authorization, would nevertheless change their route and enter shamelessly into our air and maritime space, only to return afterwards and face no action whatsoever by the judicial authorities of that country.

In addition, when it comes to known violations and provocations, spokesmen in the United States have acknowledged that the promoters of this incident had been warned sufficiently in advance that any flight heading for Cuba trespassing the 24th parallel could bring about problems and that the United States Government would bear no responsibility for that.

An example of this is the fact that the president of the Association of Cuban-American Pilots, Mr. Jorge Dorrbecker, stated yesterday that authorities from the Federal Aviation Agency (FAA) of the United States had given new warnings regarding Cuba some three weeks ago, as reported by Notimex news agency in Miami. Mr. Dorrbecker added that "all pilots were warned that if they trespassed the 24th parallel without a flight programme, the Cuban Government would not be responsible for their personal safety". The alert was further expanded - as stated in the Ministry's note issued on Sunday, 25 February - by the Cuban civil aviation authorities, which before the pirate incursions warned the transgressors not to trespass the above-mentioned parallel, as was recognized, among others, by a United States official who was quoted that day by The Miami Herald.

Now, as Warren Christopher has stated, the Government of his country is considering the possibility of taking measures against Cuba while promoting other measures of a multilateral character through the United Nations Security

Council. The United States is free to make the decisions and take the measures it considers relevant, but it should be aware that those same measures would also inevitably have negative consequences for them too. Our country has given proverbial evidence of serenity and firmness in the face of a great number of plans and misdeeds emanating from United States territory for more than three and a half decades. Cuba is and will always be responsible for its actions and it has unmistakably proven that it knows how to defend its sovereignty and is not afraid of any threats which, through the measures adopted under present circumstances, could come, among others, from the Security Council.

Finally, so that there is no room to doubt that Mr. Warren Christopher is lying on purpose, we have with us a pilot from that group of violators which has carried out so many actions against our country. Until a few hours ago he was with them. This pilot knows many things. There is irrefutable evidence showing that this group is far from carrying out humanitarian actions, as ridiculously stated by Mr. Christopher, and that it is a terrorist mob which has made up repugnant and bloody plans against our people. We are ready to discuss these matters with Mr. Christopher, in the Security Council or elsewhere.

Enough of the opportunism, the cowardice and the attempts to involve Cuba with the electoral policy-making of the United States.

We are ready for that struggle. That is known to all.

Annex II

[Original: English]

Note dated 26 February 1996 from the Ministry of Foreign Affairs of Cuba

On 24 February 1996, between 1521 and 1528 hours, two Cessna pirate aircraft which had taken off from the Opa Locka airport, in the State of Florida, while in the act of violating once more the airspace over Cuban territorial waters, at a distance of between 5 and 8 miles to the north of Baracoa beach, to the west of the City of Havana, were brought down by aircraft of our Air Force.

Before that, between 1015 and 1127 hours, three aircraft of the same make transgressed our airspace and territorial waters. On that occasion, a plane of our Air Force moved to the spot and, with its presence, managed to halt the continuation of the violation, as a result of which the pirate aircraft headed north.

At 1321 hours, one of those responsible for those incursions, while heading again for Cuba, was warned by the Air Traffic Control Centre in Havana that the airspace areas to the north of our capital had been activated and was advised of the risk they were facing should they decide to transgress, to which they responded it was clear for them that they were not allowed to fly over the zone but that they would do so anyway.

At 1515 hours, as is known from the internal communications kept by one of the pilots, they were heading to Havana.

While two of the planes transgressed Cuban airspace, the head of the Group, on board a third plane, remained beyond the 12-mile limit.

This provocation took place on the day in which our people were observing the 101st anniversary of the beginning of the War of Independence of 1895, while the people of the capital were preparing to celebrate Carnival.

Such violations have taken place quite a number of times, in spite of the reiterated warnings that they could not be tolerated any longer and that patience has its limits. As may be recalled, on 13 July 1995, and more recently, on 9 and 13 January 1996, there were similar incursions into our airspace by counter-revolutionary groups of Cuban origin based on United States territory, during which they launched subversive pamphlets. The Cuban Government gave timely notice about the seriousness of those actions and the consequences that might derive from those ever more insolent acts, particularly the most recent ones.

The public note issued by the newspaper Trabajadores warned at the very end that: "To the transgressors, we can say that Cuba has all necessary means to ensure the integrity of its national territory as well as to intercept unauthorized flights over its airspace, so the violators should be equally ready to face the consequences ...". Likewise, on several occasions, our authorities

have advised the United States Government about the acts of violation that were being committed, as stated in the most recent diplomatic note conveyed on these matters, No. 45, of 16 January 1996. With the aim of exhausting all dissuasive resources that could prevent these sorts of actions, the Air Authorities of the Republic of Cuba, in addition, officially addressed the executives of the United States Federal Aviation Administration (FAA) on two occasions to advise them about the dangers posed by such unauthorized flights over our airspace.

In this context, we should also mention the repeated and particularly aggressive threats and actions launched by the gangs of Cuban origin based on Miami in recent times, including the aforementioned violation of the airspace and territorial waters of our country as well as the creation of arsenals, the acquisition of ships, the introduction of weapons and explosives and the dispatch of terrorist commands to carry out acts of violence in different regions of Cuba.

Some of the most relevant elements of this part of the story have not been obtained through secret means; they have been narrated by their perpetrators at press conferences in Miami; they have been published by the press in that part of Florida and have been discussed, even with alarm, by senior officials of the Government of the United States. The latter, as recalled in their statements, have disapproved of the attempts and actions of the terrorist bands which have their headquarters in Miami, and even on several occasions have publicly advised them that, should those misdeeds against Cuba continue, the United States authorities could not interfere in the measures to be adopted by the Cuban Government to ensure the sovereignty of the nation it represents.

Therefore, after exhausting the warnings and having adopted an extremely cautious attitude towards repeated statements and actions of an aggressive character by terrorist groups of Cuban origin which have their hideouts in Florida, the Cuban Government decided to interrupt the continuation of the flights of aircraft transgressing the sovereignty of Cuba and jeopardizing the lives of Cuban citizens.

The responsibility for the measures that the Government of Cuba has been forced to adopt to preserve its sacred and undeniable duty of defending national sovereignty falls on those who, on repeated occasions, failed to heed the warnings and persisted in their irresponsible adventures.

The shooting down of two pirate aircraft should be a lesson to be learned by those who encourage and carry out such actions, which tend to increase tensions between Cuba and the United States.

The Cuban Revolution will continue to adopt all necessary measures to defend its sovereignty and preserve the security of our people.

The Cuban Government accepted the request of the United States Government to trespass our territorial waters with units of the Coast Guard Service and, together with our troops, carry out the rescue operations in the area where both aircraft were put down.

Our Government regrets the human losses that may have ensued from such irresponsible and criminal aggressions against our country.

Annex III

[Original: English]

Chronology of violations of Cuban airspace, 1994-1996

Violation: 15 May 1994. Five aircraft coming from Florida violated national airspace in the region between Cárdenas, Matanzas Province, and El Mariel, Havana City, in a space between 15 and 80 miles along the shore keeping a distance from the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: 17 May 1994. Two Cessna 337 airplanes registration Nos. N-58BB and N-10815, coming from Florida, violated national airspace of the western region between Cárdenas, Matanzas Province, and El Mariel, Havana Province, between 15 and 80 miles along the shore, keeping a distance off the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: 25 May 1994. Five aircraft coming from Florida violated national airspace in the western region between Cárdenas, Matanzas Province, and El Mariel, Havana Province, between 15 and 80 miles along the shore, keeping a distance from the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: 29 May 1994. Five aircraft coming from Florida violated national airspace in the western region between Cárdenas, Matanzas Province, and El Mariel, Havana Province, between 10 and 80 miles along the shore, keeping a distance from the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: On 10 July 1994, at 1000 hours, a violation of national airspace by an aircraft with United States registration No. N-2506 was detected coming from the United States 20 kilometres to the north of Guanabo, Havana Province, which violated the territorial space of 18 km at a depth of 3 km, leaving national airspace to the north of Havana City at 1030 hours.

Violation: On 10 November 1994, at 1313 hours, two C-337 airplanes which took off at 1240 hours from the Guantanamo Naval Base violated Cuban airspace to the north of the western region, flying over the Punta Maisit lighthouse. In this flight the planes released 200 leaflets against the Cuban constitutional Government.

Reported officially to the United States Interests Section by diplomatic note No. 1443 of 15 November 1994.

Violation: 4 April 1995. Between 1014 and 1057 local time a light C-337 aircraft violated national airspace to the north of the western region between Santa Fe and Guanabo, Havana City, at a longitude of 5 miles, between 5 and 10 miles off the Cuban coast.

Reported officially to the United States Interests Section by diplomatic note No. 694 of 25 May 1995.

Violation: On 13 July 1995, four aircraft coming from the United States with registration Nos. N-1081S, N-2506, N-548SS and N-312MX entered Cuban territorial waters to the north of Havana City using from the air a radio in a MU-PI prohibited zone and flew over Havana City at a low altitude in a dangerous and neglectful manner.

Reported to the United States Interests Section by diplomatic note No. 1100 of 21 August 1995, in which it is enclosed a copy of the letter sent by the Cuban Aeronautical Institute (IACC) to the Federal Aviation Administration (FAA).

Violation: On 9 and 13 January 1996 the Cuban authorities detected two light airplanes coming from Opa Locka airport in Florida which flew over the territory of the province of Havana and released subversive propaganda, encouraging actions against the Cuban constitutional order.

Officially reported to the United States Interests Section by diplomatic note No. 45 of 15 January 1996.

As a result of the repeated violations of our airspace, the Cuban authorities have been forced to close temporarily the international Girón corridor to civil aircraft and adopt restrictions on the entrance to and exit from the Varadero international airport.

On several occasions, the flights over the Cuban territory have taken place in dangerous zones to carry out military training, with the risk of provoking accidents of unpredictable consequences. These actions have activated the Cuban authorities and have been duly reported according to international regulations. This is illustrated by the following example:

Date	Reserved area	Type of aircraft	Registration
18 July 1992	MUD-42, MUD-52	C-337	N-2432 S
	MUD-42, MUD-52	C-310	N-6737 T
	MUD-42, MUD-52	PA-23	N-769 J
28 December 1993	MUD-9, MUD-13	Two airplanes	..
30 December 1993	MUD-9	Two airplanes	N-700 KG
			N-5334
2 January 1994	MUD-9	C-337	N-415 D

This information was reported to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Havana, 25 February 1996.